

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
Aaron J. Loyd)
Serial No.: 09/915,070)
Filed: July 25, 2001)
For: METHOD AND DEVICE FOR)
MONITORING THE)
PERFORMANCE OF A)
NETWORK)

RECEIVED
CENTRAL FAX CENTER
FEB 07 2005
Group Art Unit: 2151
Examiner: Phillips, Hassan A
Atty. Docket: 10006615-1

RESPONSE TO OFFICE ACTION MAILED NOVEMBER 5, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mail Stop: Amendment

Dear Sir:

In response to the Office Action mailed on November 5, 2004, please amend the above-identified application as follows:

Amendments to the Specification begins on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begin on page 3 of this paper.

Remarks begin on page 7 of this paper.

HP Docket No. 1000615-1

1

KLAAS, LAW, O'MEARA & MALKIN, P.C.

ATTORNEYS & COUNSELORS

WILLIAM P. O'MEARA
 JAY K. MALKIN
 MICHAEL A. GOODWIN
 NELLIE C. KAUFMAN
 GUY K. CLINGER
 ROBERT W. NELEON
 JOSEPH J. KELLY (OF COUNSEL)
 BRUCE G. KLAAS (OF COUNSEL)
 RICHARD D. LAW (1919-1981)

1999 BROADWAY, SUITE 2225
 DENVER, COLORADO 80202TELEPHONE (303) 298-9888
 FACSIMILE (303) 297-2266
 E-MAIL: ADMIN@KLAASLAW.COM

PATENTS
 TRADEMARKS
 COPYRIGHTS
 LICENSES
 TRADE SECRETS
 UNFAIR COMPETITION
 INFRINGEMENTS
 SEARCHES

RECEIVED
 CENTRAL FAX CENTER

FEB 07 2005

DATE: February 7, 2005

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: United States Patent Office FAX NO.: (703) 872-9306LOCATION: United States Patent OfficeFROM: Robert W. Nelson, Esq. - KLAAS, LAW, O'MEARA & MALKIN, P.C.

RE: U.S. Patent Application Serial No. 09/915,070
Response
Examiner: Hassan Phillips
Our Ref.: HP-575
HP Ref.: 10006615-1

TOTAL NO. OF PAGES (Including Transmittal Sheet) -14-

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL IMMEDIATELY.

OFFICE: (303) 298-9888 FAX: (303) 297-2266

COMMENTS: Please find enclosed Transmittal (in duplicate), Response (11 pages)
and Fax Cover Sheet.

CONFIDENTIALITY NOTICE

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message solely to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately via telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

FEB-07-2005 15:55 303 297 2266
NEW LCI - TAUNAU COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

303 297 2266 P.02

PATENT APPLICATION
ATTORNEY DOCKET NO. 10006615-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Aaron J. Loyd

Confirmation No.: 6454

Application No.: 09/915,070

Examiner: Hassan Phillips

Filing Date: July 25, 2001

Group Art Unit: 2151

Title: METHOD AND DEVICE FOR MONITORING THE PERFORMANCE OF A NETWORK

Mail Stop Amendment
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
() No additional fee
() Other: _____ (fee \$ _____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	11	MINUS	26	= 0	X \$50	\$ 0
INDEP. CLAIMS	2	MINUS	4	= 0	X \$200	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM						+ \$360 \$ 0
EXTENSION FEE	1ST MONTH \$120.00	2ND MONTH \$450.00	3RD MONTH \$1020.00	4TH MONTH \$1590.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Aaron J. Loyd

By Robert W. Nelson

Robert W. Nelson, Esq.

Attorney/Agent for Applicant(s)
Reg. No. 37,898

Date: Feb. 7, 2005

FEB-07-2005 15:55 303 297 2266

303 297 2266 P.03

Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10006615-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Aaron J. Loyd

Confirmation No.: 6454

Application No.: 09/915,070

Examiner: Hassan Phillips

Filing Date: July 25, 2001

Group Art Unit: 2151

Title: METHOD AND DEVICE FOR MONITORING THE PERFORMANCE OF A NETWORK

Mail Stop Amendment
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment () Petition to extend time to respond
 () New fee as calculated below () Supplemental Declaration
 () No additional fee
 () Other: _____ (fee \$ _____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY

(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	11	MINUS	26	= 0	X \$50	\$ 0
INDEP. CLAIMS	2	MINUS	4	= 0	X \$200	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0
EXTENSION FEE	1ST MONTH \$120.00	2ND MONTH \$450.00	3RD MONTH \$1020.00	4TH MONTH \$1590.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Aaron J. Loyd

By R.W. Nelson

Robert W. Nelson, Esq.

Attorney/Agent for Applicant(s)
Reg. No. 37,898

Date: Feb. 7, 2005